THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.2440 of 2006

Date:13.03.2007

Between:

J.Laxmikantha Reddy

PETITIONER

AND

The Distruct Registrar and another.

---------RESPONDENTS

ORDER:

The petitioner states that he is the owner of Ac.0.67 cents of land in Sy.No.1939/3 of Nandyal Village and Mandal. He is said to have purchased the land through registered sale deed, dated 14.07.1997 and his vendors are said to have purchased it through documents of the years 1942 and 1943. The grievance of the petitioner is that when he approached the second respondent to ascertain the particulars of the stamp duty and registration charges, with a view to sell the property, he is stated to have replied that the Mandal Revenue Officer had informed him that the land in Sy.No.1939/3 belongs to Wakf and no sale deed would be either received or registered in respect of that land. The petitioner seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Basically, the functions of a registering authority are to ensure compliance with the provisions of the Indian Stamp Act and the Registration Act. He is not conferred with the power to refuse registration on account of the alleged title disputes. Section 22-A

of the Registration Act enabled the Government to publish notifications prohibiting registration, in respect of the lands mentioned therein. However, that provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Even assuming that there is any claim by the Wakf Board over the land held by the petitioner, the same has to be resolved through the proceedings initiated in accordance with law. Neither the Mandal Revenue Officer nor the Wakf can request the second respondent to refuse registration of document in respect of such properties, much less, the latter can refuse.

For the foregoing reasons, the writ petition is disposed of, directing that the second respondent shall receive the document that may be presented by the petitioner, in respect of the land in Sy.No.1939/3 and process the same in accordance with law and uninfluenced by any instructions said to have been received by him from the Mandal Revenue Officer. There shall be no order as to costs.

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13.03.2007

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77